

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEAN MARC MAURICE,

Plaintiff,

-against-

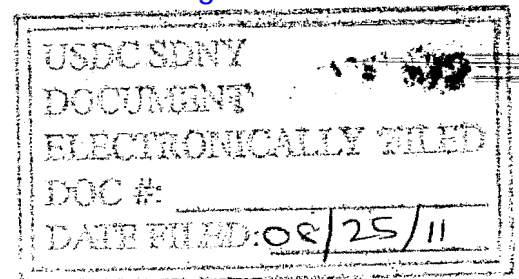
C.O. CAPT. BUTLER, et al.,

Defendants.
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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the July 25, 2011 Report and Recommendation of United States Magistrate Judge Debra C. Freeman (the "Report"). Judge Freeman's Report recommends that Plaintiff's Complaint be dismissed, without prejudice, pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure.

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601,



10 Civ. 5370 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

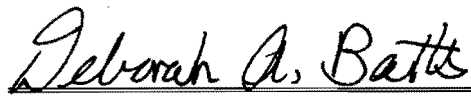
604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections in Judge Freeman's Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 3), Plaintiff has filed no objections to the Report. Nor has any other Party filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Debra C. Freeman, dated July 25, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Plaintiff's Complaint is HEREBY DISMISSED, without prejudice, pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure. The Clerk is DIRECTED to close the docket in this case.

SO ORDERED.

Dated: New York, New York
August 25, 2011


Deborah A. Batts
United States District Judge